

Docket Item #37  
SPECIAL USE PERMIT #2000-0099

Planning Commission Meeting  
September 5, 2000

<b>ISSUE</b>	Consideration of a request for a special use permit for a restaurant with request for reduction of off-street parking
<b>APPLICANT</b>	Elizabeth J Davis
<b>LOCATION</b>	2310 Mount Vernon Avenue Del Ray Dreamery
<b>ZONE</b>	CL/Commercial Low

---

**CITY COUNCIL ACTION, SEPTEMBER 16, 2000** Council approved the Planning Commission recommendation

**PLANNING COMMISSION ACTION, SEPTEMBER 5, 2000** On a motion by Mr Komoroske, seconded by Mr Leibach, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendation The motion carried on a vote of 7 to 0

**Reason** The Planning Commission agreed with the staff analysis

**Speakers**

No one spoke in opposition to the applicant s request

**STAFF RECOMMENDATION**

Staff recommends approval subject to compliance with all applicable codes and ordinances and the following conditions

- 1 The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest (P&Z)
- 2 Seating shall be provided for no more than 27 patrons inside the shop (P&Z)
- 3 No outside dining facilities shall be located on the premises (P&Z)
- 4 No live entertainment shall be provided at the restaurant (P&Z)
- 5 The hours of operation for retail sales shall be limited to 10 00 a m to 10 00 p m daily (P&Z)
- 6 The applicant shall post the hours of operation at the entrance to the restaurant (P&Z)
- 7 No alcoholic beverages shall be sold (P&Z)
- 8 No food, beverages, or other material shall be stored outside (P&Z)
- 9 Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals No trash and debris shall be allowed to accumulate on site outside of those containers (P&Z)
- 10 The applicant shall obtain, at its expense, one city trash container Model 2701-SP, for installation on the adjacent right-of-way and shall contact the Solid Waste division of T&ES at (703) 751-5130 for information (T&ES)
- 11 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public (P&Z)
- 12 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers (T&ES)

- 13 No amplified sound shall be audible at the property line (P&Z)
- 14 The applicant shall post signs informing patrons of the availability of parking spaces on weekends or after 4 00 p m in the parking lot behind the adjacent Citgo station (P&Z)
- 15 The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services (T&ES)
- 16 The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for employees prior to opening the business (Police)
- 17 The Director of Planning and Zoning shall review the special use permit after it has been operational for one year and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed (P&Z)

---

**Staff Note** In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void

Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour

Prior to the commencement of operation the applicant must obtain a business license from the Business Tax Branch

**DISCUSSION**

- 1 The applicant, Elizabeth Davis, requests special use permit approval for the operation of a restaurant and a bakery located at 2310 Mt Vernon Avenue, with a reduction of off-street parking
- 2 The subject property is 1385 square feet of space in the building which also contains the St Elmos Coffee Pub, Atticus Books, and Pat s Place Antiques and takes access from Mt Vernon Avenue (See enclosed illustrations)
- 3 The restaurant, to be known as the Del Ray Dreamery, will sell frozen custard "in the form of cones, sundaes, concretes, [sic] house-made ice cream sandwiches, frozen pies and cakes " Cookies would be offered for on site consumption as well as for sale in bulk In addition, the portion of the space would be leased to another individual who will bake artisan bread on the premises between 4 00 a m and 11 00 a m , partly for sale on site, but primarily for sale to others [Note P&Z considers bakeries of under 3500 square feet to be a retail use ]
- 4 The proposed hours of retail operation are  

Tues -Thurs	12 00 Noon - 9 00 p m
Friday	12 00 Noon - 10 00 p m
Saturday	11 00 a m - 10 00 p m
Sunday	12 00 Noon - 8 00 p m
Monday	Closed
- 5 The applicant proposes to have 27 seats for patrons in the restaurant, but anticipates that much of the patronage will be for carry-out
- 6 No alcoholic beverages will be sold
- 7 No live entertainment will be offered The applicant proposes to have a jukebox
- 8 According to the applicant, the building was built in 1938 when no parking spaces were required, therefore, there is no parking requirement for continued use of the space for retail A restaurant, however, is a change of the use and therefore requires seven spaces (one for each four seats) One space is available to the applicant in the parking lot west of the adjacent gas station, a parking reduction will be required for the other six required spaces
- 9 The applicant gives the following rationale for the proposed parking reduction
  - a No other off-street parking spaces are available
  - b Many of the patrons will be pedestrians
  - c A municipal lot with 14 spaces is located across the street
  - d The heaviest sales are expected to be 4 00-9 00 p m when street parking is

available

- 10 Scott Mitchell, owner of the property, indicates that the parking west of the building and west of the Citgo station is heavily used during the day by the existing shops and offices, but can be made available for Del Ray Dreamery patrons in the late afternoon and evenings and on weekends, when the greatest number of patrons are expected
- 11 There is direct access to the Del Ray Dreamery from the rear parking lot which can be used for loading and unloading. The space adjacent to the door is marked "No Parking" to make it available for loading
- 12 Zoning The subject property is located in the CL zone. Section 4-103 of the zoning ordinance allows a restaurant in the CL zone only with a special use permit
- 13 Master Plan The proposed use is consistent with the Potomac West chapter of the Master Plan which designates the property for CL-Commercial Low use

#### STAFF ANALYSIS

Staff strongly recommends approval of this application. It proposes precisely the kind of retail uses that Del Ray citizens have been trying to attract to The Avenue. Ice cream vendor and bakery are two of the most frequently desired uses named in neighborhood surveys.

The major impacts of the proposed uses are likely to be parking and trash. If the store is successful, at least some persons will come by car and when the eight spaces on both sides of Mt. Vernon Avenue in front of the store are occupied, drivers will look elsewhere. While some will use the 14-car City owned lot across the street, some will drive down Del Ray Avenue and Oxford Avenue to find parking in residential areas. Because the adjacent parking lot can be made available in the evenings and weekends, staff proposes a condition requiring that a sign be posted within the store indicating that parking is available in the late afternoon and evening in the lot behind the adjacent Citgo.

Trash is, unfortunately, another predicted impact of the use. And while conditions require that the applicant maintain cleanliness along the block, food for immediate consumption usually involves a container or wrapper that is ready to be discarded when the food is consumed, often at some distance from the shop.

The applicant has indicated its initial hours of operation. Staff recommends a blanket approval of 10:00 a.m. to 10:00 p.m. daily so that the applicant does not have to continually amend its SUP when it wishes to change hours of operation.

Loading can take place from the rear parking lot.

Staff recommends approval of the application.

STAFF

Sheldon Lynn, Director, Department of Planning and Zoning

**CITY DEPARTMENT COMMENTS**

**Legend    C - code requirement    R - recommendation    S - suggestion    F - finding**

**Transportation & Environmental Services**

- R-1    Kitchen equipment shall not be cleaned outside, nor shall any cooking residues be washed into the streets, alleys or storm sewers**
- R-2    A condition of the SUP require the following The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services**
- R-3    The applicant shall obtain, at their expense, one city trash container Model 2701-SP, for installation on the adjacent right-of-way Contact the Solid Waste division of T&ES (703-751-5130) for information**
- C-1    That the applicant comply with the City of Alexandria's Noise Control Code, Chapter 11, Section 5, which sets the maximum permissible noise level as measured at the property line**

**Code Enforcement**

- C-1    Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC)**
- C-2    A fire prevention code permit is required for the proposed operation An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application**
- C-3    Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit Four sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics**
- C-4    When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required**
- C-5    This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of VUSBC 313 0**
- C-6    Required exits, parking, and accessibility for persons with disabilities must be provided to the building**

**Health Department**

- C-1** An Alexandria Health Department Permit is required for all regulated facilities
- C-2** Five sets of plans are to be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for plans review of food facilities.
- C-3** Permits must be obtained prior to operation.
- C-4** This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-5** Certified Food Managers must be on duty during all hours of operation.
- C-6** Provide a menu or list of foods to be handled at this facility to the Health Department.

**Police Department**

- R-1** Security survey for the business. This is to be completed prior to the opening for business.
- R-2** Robbery awareness program for all employees.
- F-1** The applicant is not seeking an A B C permit. The Police Department concurs with this.

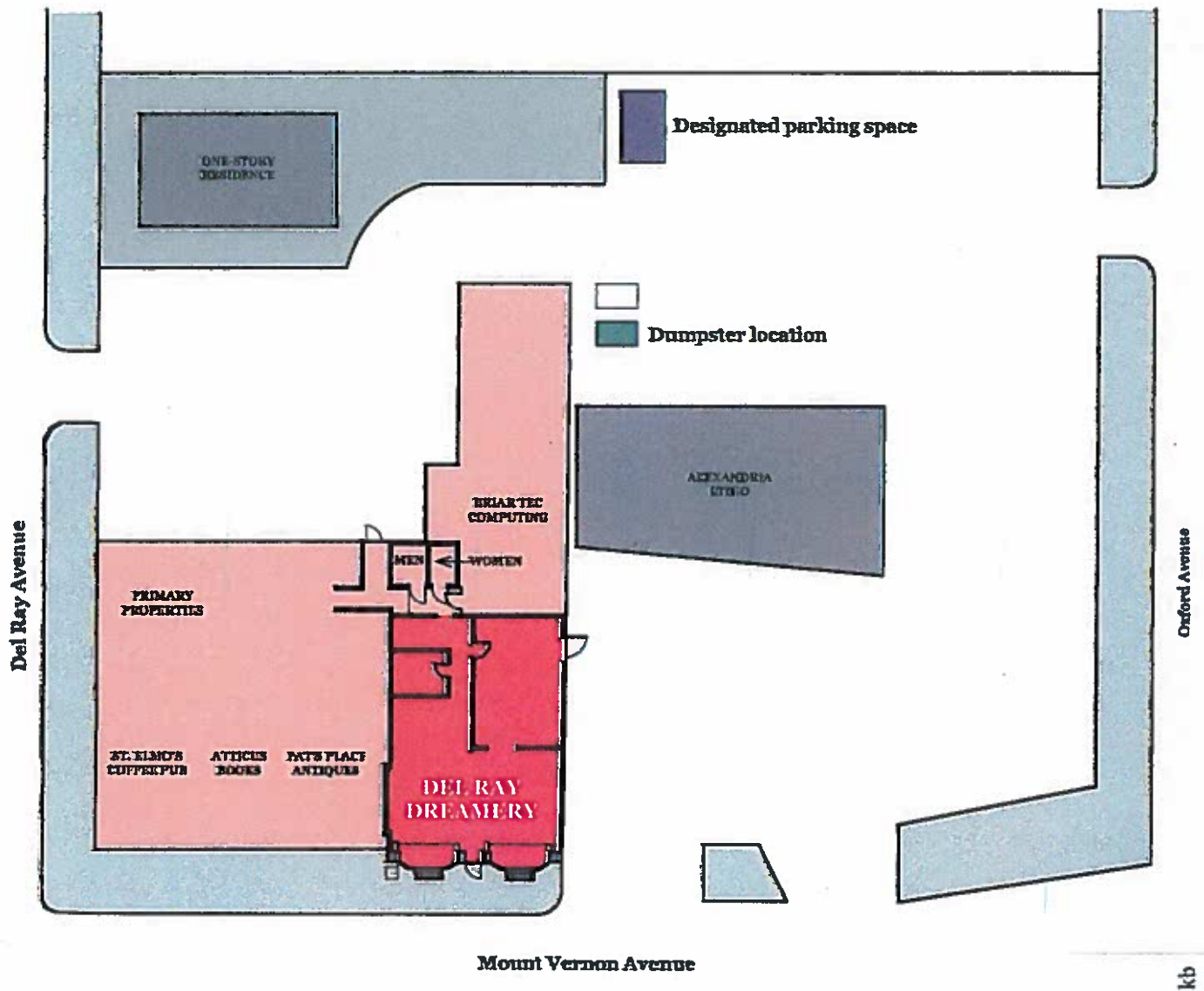
ALEXANDRIA HEALTH DEPARTMENT  
517 N ST ASAPH ST  
ALEXANDRIA VA 22314 (703) 838-4400

PLAN REVIEW COMMENTS

- 1) Provide at least 36 inches aisle space in all areas
- 2) Provide integral thermometers for all mechanically cooled and hot holding equipment. Thermometers should be able to continue to function during power failures. Thermometers on walk-in boxes should be set outside of the refrigerated spaces
- 3) Handsinks must be provided with running water in food preparation & dispensing areas, warewashing areas and in toilet rooms. Handwashing signs required at employees' handsinks
- 4) Three compartment sinks must have two drainboards or mobile dish tables
- 5) Floor mounted equipment unless on casters is to be sealed to the floor or on 6 inch legs or on a 6 inch platform
- 6) Table mounted equipment unless easily portable must be sealed to the table or on 4 inch legs
- 7) Recommend providing an interior safety release for any equipment large enough to hold a human
- 8) Set all shelves at least 6 inches off the floor
- 9) Provide troughs under sewer lines over food handling, wash areas and food & equipment storage areas
- 10) Conceal all utility lines in floors, walls & ceilings
- 11) Grease interceptors if provided must be easily accessible for cleaning
- 12) There is to be no direct connection between the sewerage system and drains from equipment in which food, ice, portable equipment or utensils are placed
- 13) Set floor sinks, open site drains and floor drains at or below the finished floor level
- 14) There is to be no exposed conduit on the interior walls or ceilings of walk-in coolers
- 15) Provide at least 50 foot-candles of light on all work surfaces. Provide at least 20 foot-candles of light in restrooms, warewashing & equipment storage areas. Provide at least 10 foot-candles of light in walk-in units and dry storage areas
- 16) Light fixtures in all food and equipment areas are to be shielded and easily cleanable
- 17) Walls and ceilings in all food prep areas, dishwashing areas, storage areas, rest rooms and vestibules shall be smooth, non-absorbent and easily cleanable. If concrete masonry walls are proposed, the joints must be flush and all imperfections filled smooth before applying finish
- 18) Pitch floors to drain, especially when water flush cleaning methods are used
- 19) Provide cove base in all food areas and rest rooms
- 20) Toilet rooms must be mechanically vented to the outside
- 21) Toilet room doors must be self-closing and tight-fitting
- 22) Exterior doors must be installed with self-closing devices and tight fitting
- 23) Recommend closing areas above exhaust hoods and walk-in boxes with a bulkhead to the ceiling
- 24) Hood approval is subject to performance. If at any time a problem develops with excessive heat, steam, condensation, vapors, obnoxious odors, smoke or fumes, the cooking equipment is to be shut down until an adequate exhaust system is provided
- 25) Menu must comply with F.D.A.'s Consumer Advisory Provision, Section 3-603.11

Approved for implementation subject to such  
changes as may be necessary to conform in detail  
to City and/or State regulations  
and to on site inspections  
necessary for code

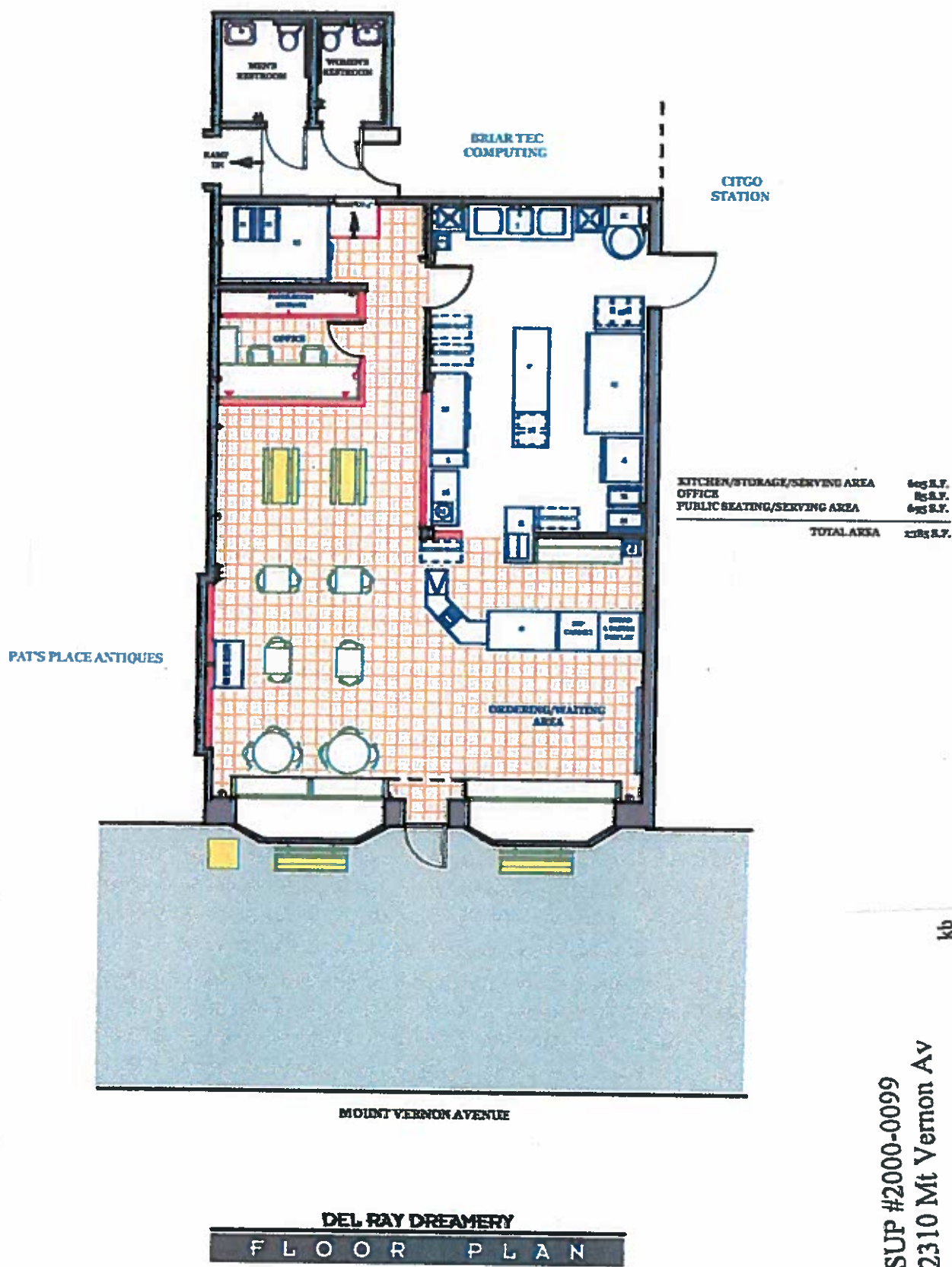




- Designated parking space
- Dumpster location

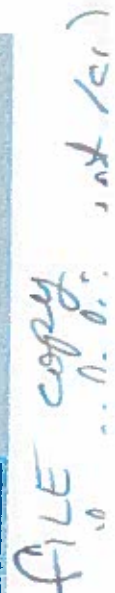
**DEL RAY DREAMERY**  
**S I T E   P L A N**

SUP #2000-0099  
2310 Mt Vernon Av



SUP #2000-0099  
2310 Mt Vernon Av





kb

- There are 98 on-street parking spaces in the areas indicated by the hatched lines. This number does not include the 13 spaces in the municipal lot shown. A weekday walking survey revealed:
  - 50 spaces (51% of total) available at 12 noon
  - 65 spaces (66% of total) available at 6 pm
- 2 hour parking is in effect Monday through Saturday from 9 AM- 5 PM, excluding holidays.

### DEL RAY DREAMERY

### PARKING PLAN

SUP #2000-0099  
2310 Mt Vernon Av